

THE INTERIM

MAY 2002 — HELENA, MONTANA — VOL. XIII NO. 12

ENVIRONMENTAL QUALITY COUNCIL

Environmental Quality Council (EQC)...The EQC's next scheduled meeting is Thursday, May 9. Tentative agenda items include a briefing from mine officials, DEQ representatives, and local landowners on the current closure status and remediation of the Canyon Resources' Kendall gold mine north of Lewistown. Also on the agenda is an update on the Public Service Commission's review of the default supply portfolio. Subcommittee activities are set out below.

To view the EQC's or any subcommittee's minutes from previous meetings, EQC and subcommittee work plans, agendas, and press releases, please visit the EQC web site at <http://leg.mt.gov/Services/lepo/index.htm>. If you have any questions or would like additional information or to be placed on the EQC interested persons mailing list, contact the EQC office at 444-3742 or at mtheisen@mt.gov.

PLEASE NOTE: THE EQC CHANGED ITS TENTATIVE JULY 2002 MEETING DATES FROM JULY 25 & 26 TO JULY 29 & 30.

Coal Bed Methane/Water Policy Subcommittee...The subcommittee will meet on May 8 at 11 a.m. and May 9 at 2 p.m. Both meetings will be held in Room 102 of the state capitol in Helena.

On May 8, the Reserved Water Rights Compact Commission will provide an overview of existing water compacts in the state and a review of the status of proposed compacts. Department of

Environmental Quality staff will discuss the proposed draft general permit for water produced from coal bed methane wells. The proposed general permit would address discharges of coal bed methane water to impoundments for the purpose of livestock or wildlife watering. Discharges to state waters would not be authorized under this proposed general permit.

Following the full EQC meeting on May 9, the subcommittee will convene again at 2 p.m. for a presentation and question and answer session regarding the draft programmatic environmental impact statement for coal bed methane development in Montana.

For more information, contact subcommittee staff:

Coal Bed Methane - Mary Vandenbosch at (406) 444-5367 or by e-mail at mvandenbosch@mt.gov.

Water Policy - Krista Lee Evans at (406) 444-3957 or by e-mail at klee@mt.gov.

Agency Oversight/MEPA Subcommittee...The Agency Oversight/MEPA Subcommittee will hold its next meeting in Room 152 of the state capitol on Wednesday, May 8. A panel discussion on how severed mineral rights are recorded and noticed in Montana will be on the meeting agenda. The subcommittee will hold an afternoon panel discussion on the topic of methamphetamine lab cleanup responsibilities. Representatives from the Departments of Justice, Environmental Quality, Public Health and Human Services, the Insurance Commissioner's office, and landlord groups will be participating. Interim work plan topics to be addressed at the meeting include continuing work and oversight on the implementation of the Montana Environmental Policy Act (MEPA) with a panel discussion on MEPA costs by representatives of several industrial and commercial projects. The subcommittee will be following up on issues from previous meetings including agency compliance and enforcement reporting and state efforts involving underground storage tank pollution cleanup.

For more information about the subcommittee's activities you may review the EQC website or contact the subcommittee staff, Larry Mitchell, at 444-1352 or e-mail at lamitchell@mt.gov.

Energy Policy Subcommittee...The EQC Energy Policy Subcommittee is scheduled to meet May 8. The subcommittee's agenda includes reviewing two subcommittee energy publications: *The Montana Electricity Law Handbook* and the *Status of Energy in Montana*. These two educational publications will be put out for a 30 day public comment period in June 2002. Additional tentative

agenda items include a presentations on the proposed hydro power generation facility acquisition initiative and a legal analysis on the potential impact via referendum of voter rejection of House Bill 474.

For more information contact Todd Everts at (406) 444-3747 or by e-mail at teverts@mt.gov.

ECONOMIC AFFAIRS COMMITTEE

Committee Meets in April...The Economic Affairs Committee met on April 10 to hear presentations from the Office of Economic Opportunity and the Department of Agriculture related to economic development activities. The Department of Labor and Industry informed the committee of its intent to adopt rules to implement International Building Codes (IBC) and provided information about where the IBC differs from the Uniform Building Codes, which are no longer being updated.

Economic Development Update...David Gibson and his staff from the Office of Economic Opportunity presented the latest findings and activities associated with developing a statewide economic development strategic plan. Gibson reported that his office is concentrating on the retention and expansion of existing Montana businesses and developing working partnerships with local economic development groups, private industry, and the education community. Gibson also discussed the activities he and his staff are engaged in to meet the goals and objectives contained in "A Framework for Economic Development", a draft report outlining the approach the Governor's Office proposes to take in order to support and improve Montana's economy.

Committee Hears About GTA...Ralph Peck, director of the Department of Agriculture, provided an overview of the history of the Growth Through Agriculture program (GTA). Peck stated that the GTA program began in 1987 to strengthen and diversify Montana's agricultural industry by establishing public-private partnerships to improve research, commercialization, and marketing of Montana products. These partnerships are being used as a way to achieve the goal of doubling the economic value of the agriculture industry by 2005 as established by the Vision 2005 Task Force on Agriculture. The Vision 2005 Task Force identified four major objectives: business recruitment and assistance, product development and marketing,

infrastructure development, and professional producer initiatives. Peck reported that GTA assistance has in part contributed to an increase of \$33 million in Montana exports from 1999 to 2000. Peck also provided several examples of Montana agricultural businesses that have received assistance from GTA to increase production or develop value-added products, including North American Trade Blankets in Stevensville, Montana Tamale Company located in Colstrip, and Glacier Valley Brandy in Columbia Falls. Peck rounded out his presentation with various statistics outlining the industry's economic value compared to Montana's other industries, cash receipts attributable to agriculture, and labor force numbers.

To Meet Again in June...The next meeting is scheduled for June 14. The committee intends to review agency legislation that has been approved by the Office of Budget and Program Planning for each of the agencies assigned to the committee under 5-5-122, MCA. Other tentative agenda items include a presentation from the Unemployment Insurance Division, a report on the coordination of workforce development programs as required by SB 469, and the latest labor market trends developed by the Department of Labor and Industry.

Please contact Gordy Higgins at 444-3064, or by e-mail at gohiggins@mt.gov if you have questions about committee activities.

SJR 22 SUBCOMMITTEE

To Meet in June...The SJR 22 Subcommittee on Health Care and Health Insurance is scheduled to meet on June 13 in Helena. The tax credit working group will provide a detailed presentation of a proposed income tax credit for the purchase of health insurance. The report will outline the eligibility requirements and projected costs associated with providing an advanceable, refundable tax credit to individuals and small businesses. Other tentative agenda items include a description of the Medicaid pharmacy program, a report on the steps necessary to join the West Virginia-led multi-state prescription drug purchasing pool, the fiscal implications of raising the income eligibility for CHIP, and a report discussing the various options related to the creation of a standing interim committee or other body tasked with monitoring and recommending health care policy.

Please contact Gordy Higgins at 444-3064, or by e-mail at gohiggins@mt.gov if you have questions about the Subcommittee.

Governor's Health Care Summit...On May 17, Governor Martz will convene a one-day health care summit at Montana State University-Bozeman. Rep. Joe McKenney, chairman of the SJR 22 Subcommittee, has been invited to present a report on the subcommittee's activities. If you have questions about the governor's health care summit, you may call Jean Branscum at 444-3111 for more information.

LEGISLATIVE FINANCE COMMITTEE

Potential General Fund Deficit/Required Spending Reductions...The purpose of this article is to provide an update on the state budget picture, the potential general fund budget deficit, and the statutory trigger mechanism requiring spending reductions.

The Legislative Fiscal Division has expressed concerns in recent reports about the status of the general fund projected ending fund balance, especially with regard to recent revenue trends. At the March Legislative Finance Committee (LFC) meeting, Terry Johnson provided an update on the status of the general fund, including a preliminary estimate that the ending fund balance for fiscal 2003 could be \$21 million, well below the nearly \$54 million projected at the end of the 2001 session. In an update to the Revenue and Transportation Committee on April 11, Johnson provided a revised projection of a \$28 million ending fund balance. The slight improvement is a result of new information on personal income tax collections and a revised estimate on the impact of the federal economic stimulus act. A copy of Johnson's April 10 report is available on the Legislative Branch website at <http://leg.mt.gov/fiscal/index.htm> or will be provided upon request.

There is a statutory requirement that the governor reduce spending if there is a projected general fund deficit. The criteria for triggering these reductions are specified in statute (17-7-140, MCA). As defined, the trigger mechanism for the 2003 biennium budget would be approximately \$27 million. The executive is required to follow a sequence of events before spending reductions can be implemented. Since the budget is near the trigger point based on

preliminary projections, the governor's budget director is implementing the process by asking agencies to identify where reductions can be made. The required sequence of events prior to implementing reductions under this statute includes seeking input from the LFC on the proposed reductions and advising and seeking input from the Revenue and Transportation Committee on the revised revenue projections, prior to certifying a budget shortfall.

The statute requires that the agencies submit budget reduction proposals to both the budget director and the Legislative Fiscal Analyst (LFA), and that the LFC shall meet within 20 days of the date that the budget director provides his recommendations to both the governor and the LFA. Governor's Budget Director Swysgood has established a timetable for submitting his recommendations to the governor in May. This timetable is tailored to fit within the established meeting dates for the LFC and the Revenue and Transportation Committee, providing for the 20-day notice. Both committees are scheduled to meet in June (potentially June 13-14).

Although preliminary, there is a high likelihood that the executive will be required to implement budget reductions for fiscal 2003 based on current budget projections. The LFC will be expected to comment on the proposed reductions and will receive an analysis of the proposed reductions from Legislative Fiscal Division (LFD) staff approximately 5 days prior to the June meeting. The governor is required to consider the LFC comments prior to making a final determination of spending reductions. The Revenue and Transportation Committee shall also receive an LFD analysis of the revenue projections to assist their deliberations on the executive revenue estimates.

Please call Clayton Schenck or Terry Johnson at (406) 444-2986 (email cschenck@mt.gov or tjohnson@mt.gov) if you have questions regarding the general fund budget status and the statutory spending reductions trigger mechanism.

Joint Meeting to be Held...A joint meeting of the HJR 1 Subcommittee on Public Mental Health Services and the Children, Families, Health, and Human Services Committee will be held on May 14 at 8:30 a.m. in the capitol building. The committees will hear legislative proposals from other groups considering mental health issues this interim, as well as evaluate issues and options and select issues for draft legislation. In addition, the committees will consider initial data for the 2005 biennium budget as well as review proposals submitted in response to the budget director's request for agency budget reductions for fiscal 2005.

LEGISLATIVE COUNCIL

Council Meets in March... The Legislative Council met March 25 in Helena. The Department of Natural Resources and Conservation consulted with the council on a proposal to transfer property owned by the Department of Corrections to Deer Lodge City/Powell County for airport expansion purposes. The council concurred with the transfer, which will be presented to the state Land Board for approval.

In other business, the council agreed to recommend to the Joint Rules Committee adoption of a rule requiring a two-thirds vote from each house for passage of a bill containing a termination provision, delayed effective date, or contingency. The rule also would require a two-thirds vote to add a termination provision, delayed effective provision, or contingency provision to an introduced bill.

In addition, the Council reviewed procedures for interim committee review and request of proposed legislation from executive branch agencies. Members agreed to serve this interim as the reviewer and requester for legislation proposed by agencies that are not statutorily assigned to an interim committee (e.g., Governor's Office, Office of Budget and Program Planning). The group requested that a bill be drafted designating the Legislative Council as the review committee and bill draft requester for these agencies.

Another topic of discussion was appointments to interstate and international committees. Members agreed to reconvene a subcommittee to review a bill draft clarifying the Legislative Council's appointment authority in this area.

Staff reported on several issues including legislative districting and apportionment, FY2004-05 budget proposals, the legislative internship program, rules training for staff, and new legislator orientation and continuing education for all legislators slated for November 2002. The council endorsed Montana's participation in America's Legislators Back to School Day sponsored by the National Conference of State Legislatures. Held in mid-September each year, this program invites legislators to visit classrooms to help students understand what it is like to be a state lawmaker: the processes, the pressures, the debate, negotiation, and compromise.

The council's next meeting is Thursday, June 20 in Helena. For more information, information, contact Lois Menzies at (406) 444-3066 or by e-mail at lomenzies@mt.gov.

LEGISLATIVE AUDIT COMMITTEE

Committee Meets in March... The Legislative Audit Committee met March 25-26 in Room 102 in the capitol. The following reports were presented:

PERFORMANCE

Safeguarding Medication Stored and Administered at State Custodial Facilities, Department of Public Health and Human Services (01P-11)

This audit assessed the level of security over medication and reviewed how medication is administered to patients housed in the Department of Public Health and Human Services (DPHHS) facilities. There are seven such facilities in Montana:

1. Eastern Montana Veterans Home - Glendive
2. Eastmont Human Services Center - Glendive
3. Mental Health Nursing Care Center - Lewistown
4. Montana Chemical Dependency Center - Butte
5. Montana Developmental Center - Boulder
6. Montana State Hospital - Warm Springs
7. Montana Veterans Home - Columbia Falls

Good control systems are important due to the nature of patients housed in these facilities and the volume of the type of medication kept there. The smallest facilities administer 6,000 doses of medication each month while the largest facilities administer 72,000 doses monthly. Controls over medication storage and the process used to administer medication could be improved at all seven facilities. The DPHHS should take action towards strengthening controls by clarifying what is expected of staff and reinforcing those expectations through monitoring to ensure controls are adhered to. Seven specific audit recommendations were made to the department. Recommendations fall into the following general areas: physical security, administration of medication, controlled substances, and general administration.

Medicaid-Related Contracts, Waivers, and Administrative Processes, Department of Public Health and Human Services (02P-01)

At the request of the Legislative Finance Committee, a limited scope performance audit examined controls over Medicaid contracts, waivers, and administrative processes at the DPHHS. Audit work focused on management processes, program procedures, and

communication/coordination between divisions. Report conclusions noted that:

- ▼ Medicaid waiver controls are in place;
- ▼ standardized procedures and training are available for Medicaid contracts;
- ▼ management of Medicaid administrative expenditures meets requirements; and
- ▼ because all statutorily defined Medicaid services are, in effect, mandatory, DPHHS management of benefit expenditures is limited.

Although steps have been taken to strengthen controls, it was recommended that the deputy director be designated as the focal point for oversight of Medicaid operations and funding.

FINANCIAL-COMPLIANCE AUDITS

State of Montana, General Purpose Financial Statements (01-01)

A financial audit of the General Purpose Financial Statements of the state of Montana was performed for the fiscal year ending June 30, 2001. This report contains the General Purpose Financial Statements of the state of Montana and accompanying notes for fiscal year 2000-01, which were prepared by the Department of Administration's Accounting and Management Support Division. An unqualified opinion was issued on these financial statements. The opinion means the reader can rely on the financial statement information presented. The report contains no recommendations.

Federal Single Audit Report (01-02)

This document is prepared in accordance with the federal Single Audit Act Amendments of 1996 and OMB Circular A-133. It contains the auditor's reports on Montana's General Purpose Financial Statements and Schedules of Expenditures of Federal Awards for the fiscal years ending June 30, 2000 and 2001, as well as Reports on Internal Controls and Compliance, the Schedule of Findings and Questioned Costs, the Corrective Action Plan, and the Summary Schedule of Prior Audit Findings. Recommendations made in this report are reported in more detail in routine financial-compliance audit reports for the affected state agencies.

Montana State University - All Campuses (01-10)

A financial-compliance audit of the Montana State University, all campuses, was performed for the two fiscal years ending June 30, 2001. The report contains 13 recommendations addressing areas

where the Montana State University can improve its financial accountability and its compliance with state and federal laws and regulations.

The report contains three recommendations that discuss concerns over accounts receivable. Two recommendations address the university's control over cash and timeliness of deposits. One recommendation is a concern related to the university's accounting for plant funds. Four recommendations discuss issues related to the university's compliance with state and federal laws and regulations. Three recommendations discuss concerns related to processing of travel advances, payroll controls, and accountability for equipment, library books, and intangible assets.

An unqualified opinion was issued on the financial statements for each campus affiliated with the Montana State University for fiscal years 1999-00 and 2000-01. This means the reader may rely on the presented financial information.

Department of Justice (01-15)

This report contains eight recommendations regarding:

- ▼ expenditure of general fund prior to other sources;
- ▼ investment of federal program income;
- ▼ cash management controls; and
- ▼ compliance with various state laws.

This report also contains disclosure issues related to fees commensurate with costs in the department's internal service funds.

Board of Regents and Office of the Commissioner of Higher Education (01-16)

A financial-compliance audit of the Board of Regents and the Office of the Commissioner of Higher Education (OCHE) was performed for the two fiscal years ending June 30, 2001. The prior audit report contained six recommendations. OCHE implemented four recommendations and partially implemented two recommendations.

This current audit report contains three recommendations. The first recommendation in the report addresses how OCHE can work with the Office of Budget and Program Planning to improve compliance with state laws regarding appropriations.

The second section of the report deals with federal compliance. It discusses two items where OCHE could improve procedures to comply with federal requirements regarding federal reporting and lender reviews.

An unqualified opinion was issued on the financial schedules contained in the report. This means the reader may rely on the presented financial information and the supporting information on the state's accounting system.

Department of Agriculture (01-17)

This financial-compliance audit report contains the results of the audit of the Department of Agriculture for the two fiscal years ending June 30, 2001. An unqualified opinion was issued on the financial schedules contained in the audit report. This means the reader may rely on the presented financial information. The report contains no recommendations to the department. The prior audit report contained one recommendation, which the department implemented.

Department of Livestock (01-18)

This audit report documents the results of the financial-compliance audit of the Department of Livestock for the two fiscal years ending June 30, 2001. The report contains two recommendations where the department could improve accounting and enhance compliance with state policies and laws. The first recommendation relates to accounting for equipment on the state's accounting system. The second recommendation discusses accounting for revenue accruals. The department's written response to the audit recommendations begins on page B-3 of the report.

An unqualified opinion was issued on the financial schedules contained in the report. This means the reader may rely on the presented financial information and the supporting data on the Statewide Accounting, Budgeting, and Human Resources System.

Montana State Library Commission (01-19)

This report contains no recommendations to the Montana State Library Commission. An unqualified opinion was issued on the financial schedules.

Montana Arts Council (01-20)

A financial-compliance audit of the Montana Arts Council was performed for the two fiscal years ending June 30, 2001. The report determined the status of recommendations made to the council in the previous audit. Of the six recommendations made, the council implemented three and did not implement two. One recommendation was no longer applicable. A qualified opinion was issued on the financial schedules of the council.

This audit contains three recommendations to the council and one recommendation to the Office of Budget and Program Planning (OBPP). The council concurred with the three recommendations addressing cash management, indirect cost recoveries, and revenue recognition. The OBPP concurred with the recommendation on nonbudgeted transfers.

The University of Montana (02-10)

A financial audit of the University of Montana's consolidated financial statements was performed for the fiscal year ending June 30, 2001. These financial statements present the financial position and results of operations, on a consolidated basis, of all four campuses affiliated with the University of Montana: University of Montana-Missoula, Montana Tech of the University of Montana, University of Montana-Western, and University of Montana-Helena College of Technology. This report contains an unqualified opinion on those financial statements and accompanying notes for fiscal year 2000-01. The opinion means the reader may rely on the financial statement information presented.

This is the first audit performed to attest to the fairness of the consolidated financial statements of the University of Montana. Audit recommendations, if any, identified during this audit will be included in the biennial financial-related audit of the University of Montana (#02-10B), to be issued by June 30, 2002.

INFORMATION SERVICES AUDIT

Statewide Accounting, Budgeting and Human Resource System (SABHRS) (02DP-02)

The Information Systems report covers the general and applications controls audit of the state's primary computer system, the Statewide Accounting, Budgeting and Human Resource System, operated by the Department of Administration. The report contains five recommendations for improving controls: three general controls recommendations addressing segregation of duties, security plan, and service continuity; and, two application controls recommendations addressing audit trails and production recover.

To Meet in June...The next Legislative Audit Committee Meeting is tentatively scheduled for June 17.

REVENUE AND TRANSPORTATION

COMMITTEE

Committee Holds Pre-Tax Day Meeting...As if to commemorate the fact that Tax Day loomed right around the corner, April's meeting of the Revenue and Transportation Interim Committee (RTIC) on the 11th and 12th of the month revolved around money -- and the lack thereof. Thoreau said that money is not required to buy one necessity of the soul -- which is true -- but one cannot live, nor can government operate, on soul alone.

Property taxes, a potential loss of highway construction money, the investment involved in a large-scale software project, and a less-than-rosy revenue picture constituted the bulk of RTIC's April agenda.

SJR 21 Subcommittee...Last September, RTIC members agreed that they wanted to hear from individuals and organizations who may be affected by any changes in agricultural land tax laws that might result from the SJR 21 study. Prior to the December meeting, staff sent notices and invitations to appear to over 30 individuals and organizations identified by committee members and through lists of registered lobbying groups. Three groups sent representatives or provided testimony at the December meeting: the Montana Association of Realtors, the Smart Growth Coalition, and the Montana Stockgrowers' Association. Those comments are summarized in February's edition of **THE INTERIM**.

Also in December, staff provided committee members with background information, a brief history of agricultural land taxation in Montana, and a summary of how other states assess and tax agricultural land. Chairman Erickson appointed a subcommittee made up of Senator Glaser (chair) and Representatives Story, Kaufmann, and Devlin to decide how to pursue the study further.

In February, Senator Grosfield urged RTIC to consider changes in current law, stating that the lower tax assessment for agricultural land is intended to keep agriculture viable, not to "subsidize the conversion of agricultural land to nonagricultural uses."

Senator Glaser presided over an SJR 21 Subcommittee meeting prior to RTIC's April meeting. Interested persons were invited to join the subcommittee at the table for an informal discussion of the problem and possible solutions. Representatives of the real estate, agricultural, and environmental communities participated in the roundtable discussion. Staff with the Department of Revenue's Tax Policy and Research office also provided input. In the end, the

subcommittee concluded that it did not want to recommend any changes in current law for the full committee to consider.

.08 BAC...RTIC considered the following information with regard to DUI laws and the potential loss of highway construction and maintenance money.

In the 1998 Transportation Equity Act for the 21st Century (TEA-21), Congress designated funds to be used as incentive grants for states that adopted a .08 blood alcohol concentration (.08 BAC). In October 2000, Congress passed the Highway Appropriations Act, which contains a penalty provision, imposing sanctions on construction and maintenance funding against states that do not comply with the .08 BAC standard.

HR 4475/Public Law 106-346 (2000) is the vehicle through which the .08 BAC sanctions were adopted. The law imposes a schedule for states that do not comply with P.L. 106-346. A March 6, 2002, letter from Dave Galt, MDT Director, to Governor Martz estimated the amount of money that the Secretary of Transportation would withhold from the Montana federal-aid highway construction program. The schedule and dollar amounts as estimated by Galt are as follows.

Federal Fiscal Year	Percentage Withheld	Estimated Amount Withheld (in millions)
2004	2%	\$ 3.8
2005	4%	7.7
2006	6%	11.5
2007	8%	15.3
2008	8%	15.3
2009	8%	15.3
2010	8%	15.3
2011	8%	15.3

P.L. 106-346 provides that beginning in fiscal year 2007 and for every year after that, 8% will be withheld from states that are not in compliance. States do have the opportunity to recover construction funds that are withheld if a .08 BAC state law is enacted by 2007.

TEA-21 also imposed a redirection of construction funding for states that fail to enact certain repeat offender and open container laws. Because Montana has not complied with those requirements, Galt told Martz in his March letter that \$5.6 million has been redirected from construction and maintenance to the Governor's Highway Safety Plan. Galt estimates that amount will total \$56,216,520 by the end of fiscal year 2005 if the repeat offender and open container provisions are not included in Montana law.

DUI laws promise to be the subject of extensive debate during the 2003 session. As was indicated in a press release from the Governor's Office on April 4, the governor has tasked the Alcohol, Tobacco, and Other Drug Control Policy Task Force with discussing the development of legislation that replaces the state's .10 BAC limit with .08, increases penalties for repeat DUI offenders, addresses the need for increased treatment requirements for offenders, and addresses open container laws.

RTIC will continue to follow the development of DUI-related legislation and the activities of the task force.

POINTS...The Department of Revenue (DOR) presented an update on defect remediation in the POINTS project, and Dr. Joel Henry, the software engineering consultant retained by DOR to provide independent analysis of the project, discussed the principles of software lifespan. Brian Wolf, Chief Information Officer for the state's Information Technology Services Division, reported on the information technology (IT) planning, budgeting, and deployment process employed by the state as part of its IT strategic planning. The information provided by Henry and Wolf was intended to inform committee members of what would be involved in starting over with all or a portion of the POINTS project.

After considerable discussion and committee questions, RTIC adopted a motion by Sen. Cocchiarella recommending that DOR move forward with its plans for the stabilization and implementation of POINTS I and II with RTIC's continued oversight.

Revenue Projections...Terry Johnson, Principal Fiscal Analyst, Legislative Fiscal Division, reported on updates to revenue projections since RTIC's last meeting in February. Johnson told the committee that, as he reported in February, general fund revenue

collections are continuing to weaken, indications are that the revenue estimate contained in HJR 2 will not be achieved for fiscal year 2002, and that "the probability that [the] shortfall will occur in fiscal 2003 is high." Several sources of revenue are not producing the collections anticipated in HJR 2, including the individual income tax, property tax, treasury cash account interest, common school interest and income, tobacco settlement payments, investment license fees, and metalliferous mines tax.

In addition to an estimated revenue shortfall of \$61.5 million, the general fund has suffered or is anticipated to suffer significant hits. Continuing appropriations, the federal Job Creation and Worker Assistance Act (the economic stimulus package that, among other things, allows for accelerated depreciation), forest fire and anti-terrorism costs, and a continuing \$50 million structural imbalance all contribute to a bleak general fund picture, with an ending fund balance well below expectations.

Budget Director Swysgood discussed with the committee the possibility of his implementing 17-7-140, MCA, which establishes a procedure to follow in the event of a projected general fund budget deficit. RTIC plays a role in that process, which is described in the article discussing the Legislative Finance Committee activities (pp 4-5).

To Meet in June...RTIC is scheduled to meet next in June with the date yet to be determined (potentially June 13-14). A significant portion of the meeting will likely entail the implementation of 17-7-140, MCA. Additional agenda items will be discussed in next month's issue of **THE INTERIM**.

For more information about RTIC activities, please contact Leanne Kurtz, RTIC staff, at 444-3064 or via e-mail at lekurtz@mt.gov.

LAW AND JUSTICE COMMITTEE

Committee to Meet in June...The Law and Justice Interim Committee (LJIC) is scheduled to meet in Helena on Monday and Tuesday, June 3 and 4. Items on the agenda include the regular reports from the Judiciary, the Attorney General/Department of Justice, and the Department of Corrections. The Committee will also hear from staff of the Montana Chapter of the American Civil Liberties Union on the status of the settlement agreement in regard to **Langford et al. v. Racicot**.

To Consider Proposed Legislation...The main focus of the June meeting will be the statutorily-required review by the committee of potential legislation that may be proposed by the Attorney General, the Department of Justice, the Department of Corrections, the Judiciary, including the Clerk of the Supreme Court, or any entity attached to any of the aforementioned entities. Beyond the statutory requirement that the committee conduct the review, there are several purposes for the preview, including providing a "heads up" to legislators and interested persons of possible statutory changes. The reasons underlying the proposals can vary, but may result from court decisions, changes in federal law, program efficiencies, deficiencies, enhancements or reductions, budget considerations, administrative prerogatives, or a variety of other factors.

The review process will involve only a very general description of the proposed legislation. Actual drafts of bills will not be presented or available. The committee may take action to allow the bill to be formally "requested" under established procedures, which will allow Legislative Services Division staff to assign an "LC" number to the request and eventually begin drafting the proposal.

On the matter of potential legislation, the LJIC will revisit and possibly act on any proposal from LJIC members to revise, including adding or repealing, statutory provisions related to the sentencing or corrections policy of the state. These policies are the primary focus of the interim study requested in House Joint Resolution No. 39 (2001).

General Information...Because the items anticipated for the June 3 and 4 meeting are only tentative at this time and because the June issue of **THE INTERIM** newsletter will not be available prior to the June LJIC meeting, interested persons can get the most up-to-date details by calling the LSD at 444-3064 or by referring to the Committee's website at <http://leg.mt.gov> and following the links.

For more information about any of the Committee's activities, contact Dave Bohyer by phone at 406-444-3064 or by e-mail at dbohyer@mt.gov, or LJIC Chairman Rep. Gail Gutsche in Missoula by phone at 406-728-0566.

STATE-TRIBAL RELATIONS COMMITTEE

Committee Meets in March...The State-Tribal Relations Committee met in Helena on March 27. The committee heard from the Department of Labor and Industry (DOLI), the Office of Public

Instruction (OPI), the Department of Corrections, and the Indian Economic Development Commission.

Committee Discusses Labor and Employment Issues...At its January meeting, the committee expressed an interest in hearing about the Workforce Investment Act and the Jobs for Montana Graduates program. In addition, Rep. Juneau was concerned with the discrepancies in the unemployment rates on reservations reported by the DOLI and the Bureau of Indian Affairs. She asked for a representative from DOLI to discuss the discrepancies with the committee. In March, representatives from DOLI, including Commissioner Wendy Keating, attended the committee meeting to address all of these issues.

Ingrid Childress gave a presentation on the Workforce Investment Act (WIA). WIA is a federal law that revised the federal job training programs to give states and local communities more flexibility in program operation. The majority of federal job training dollars now go to local community boards with the state providing oversight of the program. The local boards in turn distribute the money to various organizations that provide job training and employment services. WIA also has grant programs that specifically serve Indians. These are called Section 166 grant programs, and they are separately funded by the federal government. These grantees report directly to the federal Department of Labor; there is no local or state oversight.

Ernie Big Horn of Indian Development and Educational Alliance, Inc. (a Section 166 program) told the committee that the WIA needs to be amended to include definitions for special needs and hard-to-serve populations. He also felt that there needs to be better coordination and communication between DOLI and organizations such as his.

Jim Baker of the AFL-CIO Project Challenge asked the committee if he could be on the agenda of a future meeting to discuss how his program serves Indians. A major employment issue on the Blackfeet Reservation currently involves Glacier Park, Inc. (park concessionaires). They used to employ many Blackfeet in seasonal jobs, but last season they began bringing in foreign workers who displaced the Blackfeet workers.

Bob Rafferty discussed with the committee how the unemployment rate is calculated. The U.S. Bureau of Labor and Statistics (BLS) has devised a methodology for determining the unemployment rate. The methodology uses specific definitions. The BLS' definition of "unemployed" does not include discouraged workers

(no longer actively seeking work). The Bureau of Indian Affairs (BIA) uses its own methodology and definitions to calculate unemployment rates on reservations. The methodology and definitions are different from those used by the BLS. Rafferty was unsure of what definitions the BIA used. He thought the BIA may include discouraged workers in its unemployed definition. The differences in methodology and definitions may account for the differences in reported unemployment rates on reservations. Rafferty stated that the BLS rates are the official rates used by Congress for various governmental and programmatic purposes. The BIA may use its rates for its own purposes.

Loralee Robinson provided the committee with information on Jobs for Montana Graduates (JMG). JMG is a totally state-funded program that provides classroom instruction and work-based learning opportunities for high school students that will enhance their career awareness, self-esteem, and work readiness. The program identifies job training, employment, and educational opportunities for students, including military service. The program then helps students transition from school to work. There are currently 42 high schools offering JMG programs, including nine schools on Indian reservations. JMG has been especially successful with Indian students. The high school graduation rate for Indian JMG participants is about 87%, while the rate for Indian non-participants is just under 60%. Robinson stated that DOLI would like to expand the program to more high schools, but because the program is state-funded, expansion is not realistic at this time.

Committee Discusses Education Issues...The committee discussed two issues relating to Indian education: HB 528 (1999) and funding for nonbeneficiary students.

HB 528 declared that it is the intent of the Legislature that every Montanan be encouraged to learn about the heritage and culture of American Indians; that every educational agency and all educational personnel will work cooperatively with Indian tribes when providing instruction, implementing educational goals, or adopting rules; and that all school personnel have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents.

Lynn Hinch, OPI, gave a presentation on HB 528 implementation. A task force made up of members of the Board of Regents and the Board of Public Education developed an implementation plan for HB 528. However, a lack of funding has hampered implementation efforts. Hinch reported that OPI has made

presentations on HB 528 to the statewide education meetings held last fall for educators. OPI is looking for some grant funds to hold workshops and seminars this summer for teachers and administrators. OPI's focus right now is on the assessment requirements of the new federal law reauthorizing the Elementary and Secondary Education Act. OPI will be looking specifically at assessment data on Indian students.

One of the education issues identified in the committee's interim work plan was state funding for nonbeneficiary students (generally non-Indian) who attend tribal colleges. Since 1995, the state has provided some funding for these students. Some members had concerns that providing funding was simply subsidizing tribal colleges and questioned if that was an appropriate use of state money. The issue will be discussed further at the next committee meeting.

Director Slaughter Provides Correctional Update...Bill Slaughter, director of the Department of Corrections, introduced Nancy Knight as the new Native American liaison for the department. She will be working on a number of issues that the department has identified.

When asked about a reservation pre-release center, Slaughter replied that he has been actively pursuing the possibility of locating a pre-release center on a reservation, but a lack of jobs is a major stumbling block. An alternative may be a pre-release center in a community near a reservation where jobs are available. The center would provide culturally appropriate services and treatment for Indian inmates.

Slaughter reported that the department has been actively working to eliminate bias and prejudice among correctional officers and parole and probation officers. Often these prejudices are hidden and impact pre-sentencing investigations and reports that judges rely on heavily in handing down sentences. The department has implemented cultural awareness and sensitivity training for newly-hired officers.

Indian sweat ceremonies are now available at all of the correctional facilities in the state, including the juvenile facilities at Pine Hills and Riverside. The Prayer Warriors at the Deer Lodge prison have been without a sponsor, but the warden has made an exception to allow them to continue meeting without a sponsor.

Indian Economic Development on the Agenda...Councilman Lloyd Irvine of the Confederated Salish and Kootenai Tribes gave an

update on the work of the Indian Economic Development Commission. A reservation-by-reservation assessment of economic conditions has been completed and is currently out for review by the tribes. The commission is working very closely with the governor's Office of Economic Opportunity to coordinate economic development efforts. Uniform Commercial Codes are being developed and adopted by tribal governments to make doing business on reservations more attractive to outside businesses.

Committee Discusses Appointment of New Coordinator and Reservation Visit...Coordinator of Indian Affairs Bruce Meyers resigned his position in February. Lori Ryan, Office of Indian Affairs (OIA), reviewed for the committee the statutory process for selecting a new coordinator. Governor Martz plans on meeting with tribal leaders in May to discuss the coordinator's position and priorities for OIA. Ryan thought that a new coordinator could be hired by the end of the fiscal year.

The committee discussed a visit to the Salish Kootenai Reservation in late May. Staff was directed to work with Councilman Irvine and the OIA in arranging the visit.

For more information about the meeting or about the committee in general, please contact Connie Erickson at (406)444-3064 or at cerickson@mt.gov.

DISTRICTING AND APPORTIONMENT COMMISSION

Commission Begins Adopting Plans...At its March 27 executive session, the Districting and Apportionment Commission tentatively adopted Plan 300 for the Northcentral and Northeast Regions. Both plans were amended, and the amendments and a new map are available on the website.

On May 1, the commission will hold an executive session to adopt the Southeast and Southcentral Regions plans. These plans will cover Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Rosebud, Custer, Fallon, Carter, Powder River, Big Horn, Treasure, Judith Basin, Fergus, Petroleum, Yellowstone, Carbon, and Musselshell Counties.

Public Hearings Scheduled...The next public hearings are scheduled for May 21 in Bozeman at 1 p.m. and in Butte at 7 p.m.,

and for May 22 in Helena at 1 p.m. The next region to receive staff visits will be the counties in southwest and western Montana.

Maps Available on the Web...Maps of the districts adopted by the Commission and proposed regional maps for legislative districts for the Northcentral, Northeast, Southeast, and Southcentral Regions are available through the "Redistricting" link on the legislative website. The Southwest Region maps will be available by May 10, and the Commission will accept written testimony on the Southwest Region until June 12.

Please send any written testimony c/o Susan Fox, Legislative Services Division, who will distribute the information to all commissioners and preserve the original for the file. The commission will not make any decisions on plans until after the deadline for written testimony has passed.

For more information or to be placed on the commission's interested persons list, please contact Susan Byorth Fox at the Legislative Services Division, P.O. Box 201706, Helena MT 59620, (406) 444-3597, or sfox@mt.gov.

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

To Meet in May...The Children, Families, Health, and Human Services Committee will hold a two-day meeting on May 14 and 15 to discuss legislative proposals for 2003.

The first day is a joint meeting with the Legislative Finance Committee's HJR 1 Subcommittee on Public Mental Health Services. The joint meeting is a "round up" of mental health legislative issues to be proposed by entities other than the committees. The agenda includes a review of the preliminary mental health budget for the 2005 biennium, a review of issues and options identified in previous meetings, and an opportunity for committee members to select issues and options to be included in the final report and to decide whether to recommend any statutory changes for consideration by 2003 Legislature.

The second day will include an overview of the budget and legislative proposals under consideration by the Department of Public Health and Human Services in the executive planning process for the 2003 Legislature. The committee will also receive a current budget report and will follow up on issues in Disability Services, Child

Support Enforcement, and Child Protective Services. The committee will accept public testimony and hold a work session to develop its own proposals.

Additional information, including agendas, will be available on the legislative website. If you are interested in being placed on the interested persons list, please contact Susan Byorth Fox, Research Analyst, at the Legislative Services Division at (406) 444-3597 or at sfox@mt.gov.

MASON AND ROBERTS

Dear Mason and Roberts: When I was in high school, my counselor encouraged me to become a member of the debate team. At that point in my life, the only thing that popped into my head when she said those words was "de bait" and where my buddies and I were going to go fishing that weekend. Now that I am a legislator, I find myself fishing for answers on the rules related to debate on the House or Senate floor during a legislative session. I know that if I participate in the debate about certain issues, I am bound to catch something, but what I would really like is to get my colleagues to go for my arguments hook, line, and sinker! Could you help me find what I'm looking for in these muddy waters by answering the following questions? Thanks fellas.

Representative Rod Enreel

Dear Representative Enreel: Being able to debate an issue on the floor is a "reel" skill, and there is really nothing fishy about knowing how and when it is appropriate to speak. We're going to wade right in and try to land you some answers to your questions!

Q: Let's say that we've resolved ourselves into a Committee of the Whole for consideration of business on second reading (Order of Business No. 8 in the Senate and Order of Business No. 9 in the House). What motions are in order on second reading in each house?

A: Senate Rule 50-140 and House Rule 40-160 provide that only the following motions are permitted during second reading in the Committee of the Whole:

Motions Permitted By Rule During Committee of the

Whole Debate (Asterisk indicates motion is debatable)

MOTION	SENATE	HOUSE
To amend	X*	X*
To recommend passage or nonpassage	X*	X*
To recommend concurrence or nonconcurrence	X*	X*
To pass consideration	X	X
To indefinitely postpone	X*	
To reconsider		X
To call for cloture		X
To rise, rise and report, or rise and report progress and beg leave to sit again	X	X
To change the order in which legislation is placed on the agenda		X

In practice, however, several other motions often are permitted during second reading, including:

MOTION	SENATE	HOUSE
For a question of privilege	X	
To lay on the table	X	X
To take from the table	X	X
To call for the previous question	X	X
To call for closure	X	

To postpone consideration to a day certain	X	X*
To refer or rerefer to a committee	X	X*
To divide a question	X	X
To pass business in Committee of the Whole	X	

Q: Which of the motions listed above are debatable during second reading?

A: The motions to recommend passage or nonpassage, to recommend concurrence or nonconcurrence, and to amend are debatable in both houses. In the Senate, the motion to indefinitely postpone is debatable (Senate Rule 50-140; Mason's, sec. 63). Likewise, debate is permitted "within narrow limits" on a House motion to postpone to a day certain (House Rule 60-60) or to refer or rerefer to a committee (House Rule 60-80). But, the merits of the question that is subject to postponement or referral is not debatable. House Rule 60-80 also provides that a motion to refer or rerefer with instructions is "fully debatable."

The remaining motions listed above are not debatable (Senate Rule 50-60; House Rules 40-160, 50-80, 50-180, and 60-20). They are considered procedural motions that can be understood by members without debate. As Mason's Manual of Legislative Procedure notes (Mason's, sec. 82), "[t]here is nothing so profound about these motions as to justify debate, and debate would only waste the time of the members."

Q: How many times may I speak on a motion during second reading and for how long?

A: In the Senate, a member may not speak more than twice on a motion without the unanimous consent of the Senate, except that the senator who made the motion may speak twice plus close debate. Additionally, a senator who has spoken may not speak again on the same motion to the exclusion of a senator who has not spoken. Senate rules do not impose a time limit on speakers (Senate Rule 50-30).

In the House, a member may not speak more than once on the motion and may speak for no more than 5 minutes, except that the representative who made the motion may speak a second time for 5

minutes to close debate (House Rule 40-170). Note that the time restrictions on speakers do not apply to presentations by the Appropriations Committee chair or subcommittee chairs on the General Appropriations Bill (House Rule 40-180).

Additionally, if the House majority leader and minority floor leader agree, a lead proponent and lead opponent may be granted additional time to speak on a bill. The leaders also may agree to allocate a predetermined amount of time and number of speakers for debate on a bill or resolution (House Rule 40-170).

Q: How do I go about asking a question on a motion during second reading? Am I limited on the number of questions that I may ask?

A: You may ask a question of another member by directing your question through the presiding officer (Senate Rule 20-30; House Rules 20-10 and 50-90). This may be done by asking the presiding officer if the member would yield to a question (House Rule 60-110; Mason's, sec. 114). There is no limit to the number of questions that you may ask; however, a member may decline to yield to your question. Also, you may be ruled out of order if the presiding officer determines that the purpose of your questioning is to delay or obstruct business (House Rules 20-50 and 50-90).

Although debate is prohibited on certain motions, you are permitted to ask questions about them (Mason's, secs. 85, 114). For example, you may ask about the general purpose or intended effect of a nondebatable motion. Remember that you always have the right to understand a motion before being required to vote on it (House Rules 50-80 and 60-10; Mason's sec. 85).

Q: Is it ever permissible to interrupt a member who is speaking on a motion on second reading?

A: Yes. According to Mason's, "[a] speaker may be interrupted whenever the needs of the body require it, because the concern of the body outweighs the convenience of the member" (Mason's 2000 edition, p. 5). Mason's further provides that a speaker may be interrupted only when a question requires an immediate reply. For example, you may interrupt a speaker to raise a question of privilege or point of order or to make a parliamentary inquiry if these items require immediate consideration (Mason's, sec. 92).

Q: Sometimes debate on a motion drags on and on, and the arguments get awfully repetitive. Is there any way to cut off debate and bring the motion to a vote?

A: Both the Senate and House allow a member to call for the previous question. This motion, if adopted by a majority vote, closes debate and brings the pending question to a vote (Senate Rule 50-80; House Rule 50-140). In the Senate, when the previous question is called on a debatable motion on which there has been no debate, the motion may be debated for 30 minutes, with 15 minutes allotted to the proponents and the remainder to the opponents (Senate Rule 50-80). In the House, a call for the previous question cannot be made unless at least one proponent and one opponent have spoken on the motion. In addition, the sponsor of the motion on which debate has been closed has the right to close before a vote is taken (House Rule 50-140).

Another way to cut off debate in the Senate is to simply make a motion to close debate; this motion is nondebatable and requires a majority vote for passage (Senate Rule 50-60).

In the House, another motion is available to end debate known as a call for cloture. This motion may be made after at least two proponents and two opponents have spoken on a question and at least 30 minutes have elapsed (House Rule 40-170). To be successful, a call for cloture must be adopted by two-thirds of the members present and voting (House Rule 50-150). The sponsor of the motion on which debate has been ended has the right to close before a vote is taken.

Do you have rule questions that you would like us to cover in this column? If so, send them to Lois Menzies, Legislative Services Division, PO Box 201706, Helena, MT 59620-1706 or to lomenzies@mt.gov.

BACK PAGE

ASSESSING THE SUCCESS OF INTERIM COMMITTEES AND ACTIVITIES

By Dave Bohyer
Director, Office of Research and Policy Analysis

INTRODUCTION

Senate Bill No. 11 (1999) and Senate Bill No. 10 (2001) revised the interim committee structure and processes that had been in effect for the previous two decades. The purpose of this **BACK PAGE** article is to initiate an assessment of the revised interim committee structure and to solicit your feedback. Because legislators, staff, and others are still implementing the new structure and learning how to operate within it, it is important to review the goals of the restructuring and to evaluate the success of interim committees in achieving those goals.

PURPOSE AND EFFECT OF SENATE BILL NO. 11

Senate Bill No. 11 (SB 11) was predicated on five primary goals: (1) economy; (2) education; (3) efficiency; (4) consistency; and (5) public access. Each of the goals was discussed at length by the Legislative Council prior to crafting and introducing SB 11 and, subsequently, considered by the appropriate standing committees and the Senate and House of Representatives.

Senator Mike Halligan, chief sponsor of SB 11, expanded on the goals approximately in the following way:

Economy was intended to be achieved by having fewer committees and meetings that would translate into lower costs. This goal was achieved, in part, by the reduced level of funding for the interim committee program in the 1999-2000 interim compared to the 1997-98 interim. The appropriation for the 2001-02 interim is virtually the same as it was for the 1999-2000 interim, except that SB 10 created the State-Tribal Relations Committee, which is also funded

by the existing appropriation.

Education was intended to provide greater continuity between the session and the interim by having members of standing committees serving on related interim committees and vice versa. Further, SB 10 created a structure in which legislators could become knowledgeable about emerging issues and the agencies that comprise the Executive Branch and their ongoing functions. This structure differed from interim committees of the past that were created and commissioned to study a single subject or issue.

Efficiency was intended to be achieved by providing a more well-defined structure and focus, thereby making more efficient use of legislator and staff time. The structure was also intended to clearly delineate each committee's subject area jurisdiction for the benefit of the public, state agency personnel, and other interested individuals and organizations. Coupled with the "education" goal, it was anticipated that efficiency could be achieved by committee members, legislative staff, agency personnel, lobbyists, and citizens.

Consistency was intended to be achieved by more consistent monitoring and review of all executive and judicial agencies. Under the former structure, only some agencies received any type of scrutiny. In many interims, there was no committee that had jurisdiction over issues that arose during the interim. In addition, some agencies had no opportunity to develop relationships with the Legislature (through interim committees) or to receive input that could benefit both the agency and the Legislature during the session. Specific attention was intended to be given to the following: (1) identification of issues likely to require future legislative action; (2) opportunities to improve existing law through an analysis of problems experienced with the application of the law by an agency; (3) experiences of the state's citizens with the operation of an agency that could be improved through legislative action; and (4) the accumulation, compilation, analysis, and furnishing of information bearing upon each committee's assignment and relevant to existing or prospective legislation that the committee determines to be pertinent to the adequate completion of its work.

Enhanced public access was intended to be achieved by providing a formal and stable structure within which the public's concerns could be aired, discussed, examined, and perhaps resolved. Individual citizens would not have to guess which interim committee,

if any, had subject matter jurisdiction, interest, influence, etc. Under the SB 11 structure, a citizen could discern from the statute which of the interim committees had jurisdiction over a given agency or, in most cases, a particular topic.

Under SB 10, each interim committee is now responsible to review administrative rules for the agencies assigned to the committee. Under the pre-SB 10 interim committee structure, the Administrative Code Committee was responsible for reviewing nearly all rules proposed by Executive Branch agencies, but was limited to acting only after a rule was proposed or adopted. Currently, the post-SB 10 interim committee structure and authority allow a committee and the public to become involved in administrative rules matters prior to formal rulemaking proceedings being undertaken. Thus, the opportunity for greater public awareness of policy issues has been expanded and fostered.

Each interim committee also has the responsibility for conducting interim studies as assigned by the Legislative Council. In contrast, under the former structure, a separate committee was appointed for each interim study and the study committee had no authority beyond the specific study assigned.

Prior to about the 1995 Session, an agency could request legislation only by securing a legislator to act as the requester. The effect of the process was two-fold. First, Helena-area legislators were inundated with requests from agencies, which the legislators graciously accommodated for the most part. However, the media saw fit to report the numbers of bills requested by Helena-area legislators who then became the subject of unflattering, if not derisive, letters and editorials for having made the requests. Second, agency bills were often requested just prior to or even during legislative sessions when they competed directly for staff drafting time with nonagency requests from legislators.

In an effort to ease pressure on several fronts, the Legislative Council began serving as the "requester" for nearly all agency-requested legislation. During the 1999-2000 interim, the Legislative Council determined that a better "requester", if a legislative committee, was probably the interim committee that had "monitoring" responsibility for the requesting agency. Through the changes made in SB 10, each interim committee will now preview agency-proposed legislation and will serve as the "requester" for most agency-requested legislation.

ASSESSING PROGRESS

Some veteran legislators and others who served interim committees prior to the adoption of SB 11 have noted some improvements and some detractions since SB 11 was implemented in 1999. The Legislative Council and the Legislative Services Division staff have attempted to respond positively to both compliments and complaints.

The Legislative Council and the Legislative Branch staff continually search for ways to improve interim and session procedures, products, outputs, outcomes, and so forth. As the interim committees approach the final leg of the 2001-02 interim, now is a good time to assess how the interim committee structure and processes are working--for legislators, staff, agencies, lobbyists, the media, and the public. By answering the following questions and others, you can help to improve the interim committee processes and other interim activities in interims to come.

A CHECKLIST FOR ASSESSING A SINGLE MEETING OR THE ENTIRE INTERIM

1. Did you learn anything at this meeting (during the interim) that will be useful to you during the next legislative session? At the meeting, were you able to use information that you learned during the last session?
2. Did the agenda reflect the committee's statutory responsibilities?
3. Is your committee's work being duplicated in another legislative committee? Are you aware of why the work is being duplicated?
4. Are staff members being required to address the same issues before other legislative committees?
5. Were problems identified through staff or committee research or during the course of committee discussion, presentations, or testimony that are likely to require future legislative action?
6. Have you had an opportunity to provide guidance to an agency for which the committee is assigned responsibility?

7. Did the committee learn of opportunities to improve existing law through analysis of problems experienced with the application of the law by an agency?
8. Were citizens given opportunities to discuss issues relating to the operation of an agency? Were the citizens' issues amenable to improvement through legislative action or influence?
9. Did the public have opportunities to express concerns over agency operations or policies? Were the concerns related to a proposed administrative rule, current law, or something else?
10. Did the committee accumulate, compile, analyze, or furnish information bearing upon its assignment and that is relevant to existing or prospective legislation?
11. Are the findings, conclusions, and information gathered by interim committees used in a meaningful or influential way during the legislative process? Alternatively, do standing committees primarily rely on new testimony from proponents and opponents rather than the related work of interim committees?
12. Do you have any specific suggestions to improve the interim committee process or the value of interim committee studies? These might include suggestions about committee work planning, committee study assignments, committee membership, how the committees conduct their meetings, staff involvement, or other aspects.

In the coming weeks and months, it could be highly enlightening and beneficial if legislators, agency personnel, lobbyists, the media, and citizens would contemplate the structure, duties, responsibilities, authority, and so forth associated with interim committees of the Legislature and forward any insights or suggestions for improvement to the Legislative Services Division. (By U.S. Mail: Legislative Services Division, PO BOX 201706, Helena, MT 59620-1706; by e-mail to dbohyer@mt.gov; or by phone to Dave Bohyer 406-444-3064.)

The legislative leadership, members of interim committees, and Legislative Branch staff work diligently to ensure that the time and

other resources invested in interim activities continue to pay dividends. By forwarding your comments, you can help to ensure that we continue to move in the right direction.



INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED,
ALL ROOM DESIGNATIONS ARE IN THE CAPITOL BLDG.

MAY

May 8-9, EQC Coal Bed Methane/Water Policy Subcommittee, Room 102, 11 a.m. on May 8 and 2 p.m. on May 9

May 8, EQC Agency Oversight/MEPA Subcommittee, Room 152

May 8, EQC Energy Policy Subcommittee

May 9, Environmental Quality Council, Room 102, 8 a.m.

May 14, Joint meeting of HJR 1 Subcommittee on Public Mental Health Services and Children, Families, Health, and Human Services Committee, Room 102, 8:30 a.m.

May 15, Children, Families, Health, and Human Services Committee, Room 102, 8:30 a.m.

May 17, Joint Subcommittee on Postsecondary Education Policy and Budget, Room 102, 10 a.m.

May 21, Districting and Apportionment Commission public hearings, Bozeman, 1 p.m. and Butte, 7 p.m.

May 22, Districting and Apportionment Commission public hearing, Helena, 1 p.m.

JUNE

June 3-4, Law and Justice Committee, Room 102

June 13, SJR 22 Subcommittee on Health Care and Health Insurance

June 14, Economic Affairs Committee

June 17, Legislative Audit Committee, Room 102

June 20, Legislative Council